



## UNITED STATES PATENT AND TRADEMARK OFFICE

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To: Name: David Staple  
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Fax Number: 16086621276  
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From: Name: Angela Bertagna  
Voice Phone: 5712728291

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#### Fax Notes:

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Dear Mr. Staple

Attached please find a proposed examiner's amendment for Application Serial No. 10/743,975 (Attorney Docket No. EPICEN-09587). I can be reached at 571-272-8291.

Thank you.

Angela Bertagna  
Examiner, Art Unit 1637

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Application Serial No. 10/743,975

Attorney Docket No. EPICEN-09587

Attention: David Staple

Re: Proposed Examiner's Amendment

Dear Mr. Staple:

I have discussed your response of 6/17/2010 with my primary, Young Kim, and we agree that the above case could be placed in condition for allowance with some clarifying amendments, which I've attached below. Specifically, Young and I are concerned that the metes and bounds of the term "mini-vRNAP" are not entirely clear, so we would like to insert sequence identifiers for the wild-type and Y678F mutant forms of the RNA polymerase into the claim to avoid a possible indefiniteness issue. Also, we would like to alter the description of the Y678F mutant, since, when the initiation codon and optional His tag are included in the protein, the substitution doesn't actually appear at position 678.

I should mention that the proposed amendments depend on our supervisor, Gary Benzon's, approval. Also, I am still awaiting the results of an updated search of the nucleic acid and protein sequence databases to make sure that the claimed polymerases are free of the art. I don't anticipate finding any new art, however.

Please contact me at your convenience to discuss. I am generally available between 9 am and 5 pm EST. I should also mention that if these changes are made after the three

month period for reply to the final office action has expired (June 25, 2010), a one month extension of time fee would be necessary to make the examiner's amendment. Finally, I realize that the issues above are new, so if you would prefer to consider them in the form of an office action, please let me know, and I will prepare one. My deadline for acting on this case is July 1, 2010.

Thanks you.

Angela Bertagna

Examiner, Art Unit 1637

(571) 272-8291

Claim 93 (currently amended) A method of making RNA comprising:

- (a) obtaining a N4 RNA polymerase consisting of SEQ ID NO: 4 (wild-type mini-vRNAP), SEQ ID NO: 6 (wild-type mini-vRNAP comprising an N-terminal hexahistidine tag), or SEQ ID NO: 8 (a mutant form of mini-vRNAP where the phenylalanine at position 715 of SEQ ID NO: 6 is replaced with tyrosine) either mini-vRNAP, or the Y678F mutant form of mini-vRNAP, wherein the amino acid at position 678 is phenylalanine rather than tyrosine;
- (b) obtaining a single-stranded DNA oligonucleotide wherein said single-stranded DNA oligonucleotide contains a N4 virion RNA polymerase promoter sequence;
- (c) admixing said N4 virion RNA polymerase and said single-stranded DNA oligonucleotide; and

(d) culturing said N4 virion RNA polymerase and said single-stranded DNA oligonucleotide under conditions effective to allow RNA synthesis.